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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 GALLAGHER-KAISER CORPORATION,

11 Plaintiff(s),

12 vs.

13 LIBERTY DUCT, LLC, et al.,

14 Defendant(s).  
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Case No. 2:14-cv-00869-JAD-NJK

ORDER

(Docket No. 36)

16 Pending before the Court is Defendant Liberty Duct's motion to "stay" proceedings pending the  
17 appearance of third-party defendant Archer Western Contractors, LLC. Docket No. 36. Plaintiff filed  
18 a response not opposing the vacation of the current deadlines in the scheduling order so long as  
19 discovery continues to be ongoing. Docket No. 40. Defendant filed a reply clarifying that it is not  
20 seeking a stay of discovery. Docket No. 41. Defendant Bio Shield Tech, LLC filed a joinder to the  
21 motion. Docket No. 42. The motion is hereby **GRANTED** in part and **DENIED** in part.

22 The parties held their Rule 26(f) conference on December 16, 2014. *See* Docket No. 20 at 2.  
23 As such, discovery has been ongoing in this case for over a year, and the current discovery cutoff is  
24 March 15, 2016. *See* Docket No. 29. Given the relatively late-stage of discovery, the Court is not  
25 inclined to simply vacate all deadlines in the scheduling order to be reset at an unknown date after the  
26 newly-added third-party defendant responds to the third-party complaint. That is especially true given  
27 that the motion and briefing consist of bare-bones assertions that vacating the current deadlines furthers  
28 the "interest in fair and equitable discovery." Docket No. 36. This case will not proceed without any

1 deadlines in place for an indefinite period. As such, rather than vacating the current deadlines, the Court  
2 will extend them for 60 days. To the extent the parties believe further extensions are required, they may  
3 file a request seeking such relief when appropriate. *Cf.* Local Rule 26-4 (discussing timing requirements  
4 for extending deadlines in the scheduling order).<sup>1</sup>

5 The parties are **ORDERED** to diligently conduct discovery at this time. The deadlines in the  
6 scheduling order are further **AMENDED** as follows:<sup>2</sup>

- 7 • Initial expert disclosures: March 15, 2016
- 8 • Interim status report: March 15, 2016
- 9 • Rebuttal experts: April 14, 2016
- 10 • Discovery cutoff: May 13, 2016
- 11 • Dispositive motions: June 13, 2016
- 12 • Joint pretrial order: July 13, 2016

13 IT IS SO ORDERED.

14 DATED: January 14, 2016

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17 NANCY J. KOPPE  
18 United States Magistrate Judge  
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25 <sup>1</sup> The Court expresses no opinion herein whether it would grant such a request.

26 <sup>2</sup> The deadline to amend the pleadings or add new parties expired on December 16, 2015, Docket  
27 No. 29, roughly three weeks before the pending motion was filed. The parties have not shown good cause  
28 or excusable neglect to extend that deadline, as required by Local Rule 26-4. As such, the Court will not  
extend the deadline to amend the pleadings or add new parties.